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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,  
 JEREMY DAVIS, CHRISTOPHER CASTILLO,  
 and MONIQUE TRUJILLO, individually and on  
 behalf of all other similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

**QUINN EMANUEL URQUHART & SULLIVAN, LLP**

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Case No.: 4:20-cv-03664-YGR-SVK

**JOINT STIPULATION RE: CERTAIN  
 REFERENCES TO INCOGNITO AND  
 TWO PLAINTIFFS' BACKGROUNDS**

Judge: Hon. Yvonne Gonzalez Rogers

Trial Date: January 29, 2024

Pursuant to Civil Local Rule 7-12, this joint stipulation is entered into between Plaintiffs and Google LLC (“Google”), collectively referred to as the “Parties.”

WHEREAS, on September 25, 2023, Plaintiffs served on Google their Motion *in Limine* 5 to Preclude Google from Introducing Disparaging Evidence or Argument (the “Motion”);

WHEREAS, on October 13, 2023, Google served on Plaintiffs its Opposition to Plaintiffs’ Motion *in Limine* 5 re: Disparaging Evidence or Argument (the “Opposition”);

WHEREAS, on October 17, 2023, the Parties met and conferred about the substance of the Motion and Opposition; and

WHEREAS, the Parties, in the interests limiting the disputes presented to the Court to further judicial economy, have reached agreement to resolve the Motion and Opposition.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties as follows:

1. The Parties will not elicit witness testimony referring to Private Browsing Modes, including Incognito, as “porn mode,” or refer to it as such in attorney argument;

2. The Parties will not seek to exclude any exhibit solely because it includes the term “porn mode,” or otherwise seek to redact the term from any exhibit;

3. The Parties will not elicit witness testimony referring to Plaintiff Chasom Brown’s work as having been in the “marijuana” or “cannabis” industry, or refer to his employment with such terms in attorney argument, but may, where relevant, refer to or describe his work experience as “consumer retail” work or in the “consumer retail” industry;

4. The Parties will not elicit witness testimony referring to Plaintiff William Byatt’s work as having been for the Miami-Dade Democratic Party, or refer to it as such in attorney argument, but may, where relevant, refer to or describe his work experience in “local politics.”

5. Plaintiffs hereby withdraw the Motion (Dkt. 1024).

Dated: November 28, 2023

BOIES SCHILLER FLEXNER LLP

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SULLIVAN, LLP

*/s/ Mark C. Mao*

*/s/ Andrew H. Schapiro*

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*Attorneys for Defendant Google LLC*

### **ATTESTATION OF CONCURRENCE**

I, Mark Mao, am the ECF user whose ID and password are being used to file JOINT STIPULATION RE: CERTAIN REFERENCES TO INCOGNITO AND TWO PLAINTIFFS' BACKGROUNDS. Pursuant to Civil L.R. 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in the filing of this document.

Dated: November 28, 2023

By /s/ Mark C. Mao

Mark C. Mao

*Counsel on behalf of Plaintiffs*

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CHASOM BROWN, WILLIAM BYATT,  
JEREMY DAVIS, CHRISTOPHER CASTILLO,  
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behalf of all other similarly situated,

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v.

GOOGLE LLC,

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Case No.: 4:20-cv-03664-YGR-SVK

**JOINT STIPULATION AND  
[PROPOSED] ORDER ENTERING  
STIPULATION**

Judge: Hon. Yvonne Gonzalez Rogers

Trial Date: January 29, 2024

**[PROPOSED] ORDER**

Pursuant to stipulation of the Parties, the Court hereby **ENTERS** the stipulation.

DATED: \_\_\_\_\_

\_\_\_\_\_  
HON. YVONNE GONZALEZ ROGERS  
United States District Judge